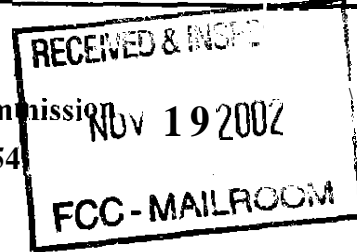


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)

Request for Review of a Decision of)
the Universal Service Administrative)
Company by)

File No. SLD-233483

Norwood R-I School District)
Norwood, Missouri)

CC Docket No. 96-45

Federal-State Joint Board on)
Universal Service)

CC Docket No. 97-21✓

Changes to the Board of Directors of the)
National Exchange Carrier Associations, Inc.)

ORDER

Adopted: November 15, 2002

Released: November 18, 2002

By the Telecommunications Access Policy Division. Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a request filed by Norwood R-I School District (Norwood), Norwood, Missouri, seeking review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Specifically, Norwood requests review of a determination that it failed to file a completed application for universal service support within the filing window for Funding Year 2002.² For the reasons set forth below, we deny Norwood's Request for Review.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.' In order to receive discounts on eligible services, the Commission's rules require that the applicant

¹ Letter from Jimmie Lee Marler, Norwood R-I School District, to Federal Communications Commission, filed March 26, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² See Request for Review. Previously, this funding period would be referred to as Funding Year 5. Funding periods are now described by the year in which the funding period starts. Thus the funding period which began on July 1, 2001 and ended on June 30, 2002, previously described as Funding Year 4, is now called Funding Year 2001. The funding period which began on July 1, 2002 and ends on June 30, 2003, previously described as Funding Year 5, is now called Funding Year 2002, and so on.

³ 47 C.F.R. §§ 54.501-54.503.

submit to SLD a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.⁴ Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.'

3. The Commission's rules require that the applicant file a completed FCC Form 471 by the filing window deadline to be considered pursuant to the funding priorities for in-window applicants.⁵ In order to have successfully completed the submission of the FCC Form 471 application in Funding Year 2002, applicants who filed electronically must also have completed and mailed to SLD the Item 21 Attachment, and completed and sent either electronically or by mail a Block 6 Certifications and Signature pages.' Prior to Funding Year 2001, the deadline by which these items had to be received by SLD to be considered within the window was later than the deadline for the filing of the FCC Form 471, so that applicants could file electronically on the last day of the filing window, and mail their certifications and attachments thereafter. However, because in previous years the delivery of a number of applications was significantly delayed by the postal service, SLD, starting in Funding Year 2001, directed that all FCC Forms 471 would be deemed filed when postmarked, rather than when received by SLD.⁸ The last day of the filing window for Funding Year 2002 was January 17, 2002.⁹

4. The record reveals that Norwood tiled the electronic portion of its FCC Form 471 on January 12, 2002, before the filing window had closed. "Norwood mailed a paper Block 6 Certifications and Signature pages and another document so that they arrived January 16, 2002, before the postmark deadline." The other document that accompanied the Block 6 Certifications and Signature pages was a copy of the Block 5 section of the FCC Form 471.¹² On appeal to the Commission, Norwood maintains that it submitted its Item 21 Attachment within the filing deadline." In support of this assertion, Norwood submitted a document with its appeal that it

⁴ 47 C.F.R. § 54.504(b)

⁵ 47 C.F.R. § 54.504(c)

⁶ 47 C.F.R. §§ 54.504(c), 54.507(g).

Block 6 is the section of the FCC Form 471 where applicants must sign the form and make certifications required under program rules. See FCC Form 471, Schools and Libraries Universal Service: Services Ordered and Certification Form, OMB 3060-0806 (October 2000).

⁸ See SLD website, What's New (November 2, 2000)

<<http://www.sl.universalservice.org/whatsnew/110200.asp#110200>> (SLD Year 4 Change Notice)

⁹ SLD website, What's New Archives (January 10, 2002)

<<http://www.sl.universalservice.org/whatsnew/012002.asp#011002b>>.

¹⁰ FCC Form 471, Norwood R-I School District, tiled January 12, 2002 (electronic portion)

¹¹ *Id.* (file copy of envelope containing the Block 6 Certification and Signature pages and other document has no legible postmark, but bar code indicating receipt on January 16, 2002).

¹² The Block 5 section of the form lists more than 20 items of data about each funding request, from the name of the provider to the general category of service.

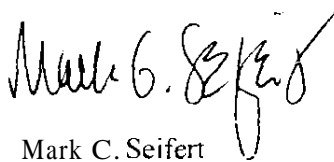
¹³ Request for Review.

claims was the Item 21 Attachment it sent to SLD by the deadline.¹⁴ However, neither the document accompanying the Block 6 Certifications and Signature pages in SLD's records, nor the item that Norwood attached to its appeal fit the requirements of an Item 21 Attachment.

5. The Item 21 Attachment, as described briefly at Item 21 of the online FCC Form 471, is a description submitted on paper of each discount funding request, including a breakdown of components and costs, plus any relevant brand names. The instructions for FCC Form 471 explain in detail how *to* write out a description of services required as attachments for Item 21.¹⁵ The instructions note that there are four items required, one of which is a "specific itemization of products and/or services" and the associated costs.¹⁶ While both the Block 5 section that SLD had in its record copy as accompanying the Block 6 Certifications and Signature pages, and the "attachment" Norwood submitted with its appeal to the Commission, provide information for three of the required items. Norwood failed to provide the fourth item—a detailed description as noted above. Therefore, Norwood did not submit a proper Item 21 Attachment, and did not complete its FCC Form 471 by the application deadline.

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Norwood R-I School District Norwood, Missouri, on March 26, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark C. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹⁴ *Id.*

¹⁵ See Instructions for Completing the Schools and Libraries Universal Service Description of Services Requested and Certification Form, OMB 3060-0806 at 22 (November 2001) (FCC Form 471).

¹⁶ *Id.* The other three items are the attachment number assigned by the applicant, the applicable contract number (not applicable in this case), and the legal names of the service provider and contracting party.